

COMMUNITY IMPROVEMENT COMMISSION  
RESOLUTION NO. 11-183

ADOPTING AN ENFORCEABLE OBLIGATION  
PAYMENT SCHEDULE PURSUANT TO SECTION 34169(g) OF THE  
CALIFORNIA HEALTH AND SAFETY CODE

**WHEREAS**, the Community Improvement Commission of the City of Alameda ("Commission") is a redevelopment agency organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.*) ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Alameda ("City Council" or "City," as applicable); and

**WHEREAS**, pursuant to the CRL, the City Council approved and adopted the Redevelopment Plans ("Redevelopment Plans") for the Alameda Point Improvement Redevelopment Project on March 3, 1998, by Ordinance No. 2754, *as amended to date*; Business Waterfront Improvement Redevelopment Project on June 18, 1991, by Ordinance No. 2559, *as amended to date*; West End Community Improvement Redevelopment Project on July 5, 1983, by Ordinance No. 2141, *as amended to date*, (the "Projects"), and the Commission is vested with the responsibility for implementing and carrying out the Redevelopment Plans; and

**WHEREAS**, the Commission is currently in the process of carrying out the goals and objectives of the Redevelopment Plans by continuing to: eliminate blight; increase, improve and preserve the supply of affordable housing in the community; stimulate and expand economic growth and employment opportunities by revitalizing properties and businesses within the Projects; and alleviate deficiencies in public infrastructure; and

**WHEREAS**, in connection with approval and adoption of the State Budget for Fiscal Year 2011-12, the California Legislature has approved, and the Governor has signed (i) ABX1 26 (Stats. 2011, chap. 5, "ABX1 26"), which immediately, and purportedly retroactively, suspends all otherwise legal redevelopment activities and incurrence of indebtedness and dissolves redevelopment agencies effective October 1, 2011, and requires redevelopment agencies to adopt a payment schedule for all agency enforceable obligations in conformance with Section 34169(g) of the Health and Safety Code by August 28, 2011, and submit such schedule to the county auditor-controller, the State Controller and the State Department of Finance (the "Dissolution Act"); and (ii) ABX1 27 (Stats. 2011, chap. 6, "ABX1 27"), which allows communities to avoid the consequences of the Dissolution Act and continue their redevelopment agency if the community enacts an ordinance agreeing to comply with the

Approved as to Form  
City Attorney

alternative voluntary redevelopment program described in Section 2 of ABX1 27 adding Part 1.9 (commencing with section 34192) of Division 24 of the Health and Safety Code (the "Alternative Redevelopment Program"); and

**WHEREAS**, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of ABX1 26 and ABX1 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

**WHEREAS**, on August 11, 2011, the Supreme Court issued a partial stay on the effectiveness of ABX1 26 and ABX1 27 until the Court can rule on the constitutionality of the two bills, which stay was further modified by the Court on August 17, 2011 (collectively, the "Stay"); and

**WHEREAS**, the Stay is unclear as to what actions an agency or city should be taking during pendency of the Stay, therefore, notwithstanding the pending litigation and the Stay, Agency wishes to adopt this resolution, in the event ABX1 26 and ABX1 27 are upheld and the Stay is lifted; and

**WHEREAS**, the Commission has prepared the Enforceable Obligation Payment Schedule, attached hereto as Exhibit A, the Executive Director of the Commission approved such schedule on August 25, 2011, and such schedule has been posted on the City's website in accordance with Section 34169(g)(2) of the Health and Safety Code.

**NOW, THEREFORE, THE COMMUNITY IMPROVEMENT COMMISSION OF THE CITY OF ALAMEDA DOES RESOLVE AS FOLLOWS:**

**Section 1.** The Commission hereby adopts the Enforceable Obligation Payment Schedule, attached hereto as Exhibit A.

**Section 2.** The Commission Secretary is hereby directed to transmit a copy of the Enforceable Obligation Payment Schedule to the State Department of Finance, the State Controller and the Alameda County Auditor-Controller in accordance with Section 34169(g)(2) of the Health and Safety Code.

\* \* \* \* \*

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**

Per AB 26 - Section 34167 and 34169 (\*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
					Aug**	Sept	Oct	Nov	Dec	Total
1) 2003 Tax Allocation Bonds Series C	Union Bank of CA	Tax exempt series	25,510,858.00	974,306.25	0.00	0.00	0.00	0.00	0.00	\$ -
2) 2003 Tax Allocation Bonds Series D	Union Bank of CA	Taxable series	276,480.00	282,960.00	0.00	0.00	0.00	0.00	0.00	\$ -
3) 2003 Tax Allocation Bonds Series A1	Union Bank of CA	Tax exempt series	12,721,566.00	348,462.50	0.00	174,231.25	0.00	0.00	0.00	\$ 174,231.25
4) 2003 Tax Allocation Bonds Series A2	Union Bank of CA	Taxable series	55,642,397.00	1,819,872.50	0.00	909,936.25	0.00	0.00	0.00	\$ 909,936.25
5) 2003 Tax Allocation Bonds Series B	Union Bank of CA	Tax exempt series	16,621,590.00	614,301.25	0.00	254,650.63	0.00	0.00	0.00	\$ 254,650.63
6) 2002 Tax Allocation Bonds Series B	Union Bank of CA	Taxable series	887,596.88	887,596.88	0.00	0.00	0.00	0.00	0.00	\$ -
7) 2011 Tax Allocation Bonds Series A	Union Bank of CA	Taxable series	29,413,849.58	770,687.08	0.00	359,224.58	0.00	0.00	0.00	\$ 359,224.58
8) 2011 Tax Allocation Bonds Series B	Union Bank of CA	Tax exempt series	1,924,004.79	215,486.04	0.00	187,067.29	0.00	0.00	0.00	\$ 187,067.29
9) Bond Trustee Fees ***	Union Bank of CA	Trustee fees for above bonds	600,000.00	20,000.00	0.00	0.00	0.00	0.00	10,000.00	\$ 10,000.00
10) 2005-06 ERAF Loan	Califormie Statewide CDA	Loan for 2005-06 ERAF Pmt	475,180.00	93,418.00	0.00	0.00	0.00	46,709.00	0.00	\$ 46,709.00
11) Stargell Loan	City of Alameda Sewer Fund	Loan for project improvements	3,450,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
12) APIP Loan from City General Fund	City of Alameda	City Advance for Project Costs	3,902,885.08	75,539.71	0.00	18,884.93	0.00	0.00	18,884.93	\$ 37,769.86
13) Loan for SERAF Payment	BWIP Housing Fund	Loan for SERAF Payment	1,002,888.44	48,526.86	0.00	12,131.72	0.00	0.00	12,131.72	\$ 24,263.44
14) Bayport Project Predevelopment Loan	FOCIL - BP LLC	DDA for residential project	6,881,876.72	2,200,000.00	0.00	0.00	0.00	0.00	2,200,000.00	\$ 2,200,000.00
15) Alameda Landing DDA	Palmtree Acquisition Corp.	DDA for mixed use project	35,500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
16) Bridgeside DDA	Regency Realty Group, Inc.	DDA for retail project	946,852.56	197,905.00	0.00	0.00	0.00	0.00	0.00	\$ -
17) Marina Village OPA	Alameda Marina Village Assoc.	OPA for mixed use project	1,225,112.00	739,290.00	0.00	0.00	0.00	0.00	0.00	\$ -
18) Independence Plaza Agreement	Alameda Housing Authority	Affordable Hsg Project Obligation	21,240,000.00	970,000.00	0.00	0.00	0.00	0.00	0.00	\$ -
19) Boatworks Settlement Agreement	Francie & Catherine Collins	Housing and non-housing Project Obligation	4,500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
20) Islander OPA	Resources for Community Development & Alameda Housing Authority	Housing Project OPA Obligation	9,000,000.00	9,000,000.00	0.00	8,000,000.00	0.00	0.00	0.00	\$ 8,000,000.00
21) BWIP/WECIP Public Improvements Agreement	City of Alameda	Public Improvements in Project Area	51,650,000.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
22) BWIP/WECIP Affordable Housing Agreement	Alameda Housing Authority	Affordable Housing Funding Agmt	13,000,000.00	70,000.00	0.00	10,000.00	5,000.00	3,000.00	3,000.00	\$ 21,000.00
23) Employee Costs****	City of Alameda	Project administration	33,900,000.00	937,566.00	78,131.00	78,131.00	78,131.00	78,131.00	78,131.00	\$ 390,655.00
24) Services and Supplies	City of Alameda	Project administration	1,400,000.00	38,000.00	3,166.67	3,166.67	3,166.67	3,166.67	3,166.67	\$ 15,833.35
25) Contract for consulting services ***	KMA	Project administration	70,000.00	70,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	\$ 50,000.00
26) Contract for consulting services ***	Garavaglia Architecture	Project administration	13,000.00	13,000.00	2,166.00	2,166.00	2,166.00	2,166.00	2,166.00	\$ 10,830.00
27) Contract for consulting services ***	Russell Resources	Project administration	30,000.00	30,000.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	\$ 12,500.00
28) Contract for legal services ***		Project administration	60,000.00	60,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	\$ 25,000.00
29) 2216 Lincoln	Satellite Housing/Housing Consortium of the East Bay	Housing Project OPA Obligation	1,300,000.00	700,000.00	45,593.00	38,000.00	50,000.00	60,000.00	150,000.00	\$ 333,593.00
30) Park Street Phase II	Suarez & Munoz Construction, Inc.	Construction Contract	350,000.00	350,000.00				35,000.00	70,000.00	\$ 105,000.00
31) Affordable Housing Tech. Asst.	LeSar Development	Administration	5,677.00	5,677.00	637.00	0.00	0.00	0.00	0.00	\$ 637.00
Totals - This Page			\$333,501,814.05	\$21,532,595.07	\$147,193.67	\$10,065,090.32	\$155,963.67	\$235,672.67	\$2,564,980.32	\$13,168,900.65
Totals - Page 2			\$233,762,500.00	\$37,500.00	\$0.00	\$12,000.00	\$8,000.00	\$5,000.00	\$5,500.00	\$30,500.00
Totals - Page 3			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals - Page 4			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals - Other Obligations			\$837,682,000.00	\$5,517,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grand total - All Pages			\$1,404,946,314.05	\$27,087,095.07	\$147,193.67	\$10,077,090.32	\$163,963.67	\$240,672.67	\$2,570,480.32	\$13,199,400.65

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

\*\* Include only payments to be made after the adoption of the EOPS.

\*\*\* Approximate

\*\*\*\* Includes personnel costs and cost allocation charges

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
						Aug**	Sept	Oct	Nov	Dec	Total
1)	APIP Public Improvements Agreement	City of Alameda	Public Improvements in Project Area	164,725,000.00	0.00						\$ -
2)	Affordable Housing Education & Outreach	Alameda Development Corp.	Aff. Housing Administration	30,500.00	30,500.00		12,000.00	8,000.00	5,000.00	5,500.00	\$ 30,500.00
3)	Financial Projections	CSG Advisors	Aff Housing Administration	7,000.00	7,000.00						\$ -
4)	APIP Affordable Housing Agreement	Alameda Housing Authority	Affordable Housing Funding Agmt	66,000,000.00	0.00						\$ -
5)	APC Infrastructure	Alameda Point Collaborative	Homeless Accomodation/Standards of Reasonableness - pro rata payment for infrastructure	3,000,000.00	0.00						\$ -
6)											\$ -
7)											\$ -
8)											\$ -
9)											\$ -
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27)											\$ -
28)											\$ -
29)											\$ -
30)											\$ -
Totals - This Page				\$ 233,762,500.00	\$ 37,500.00	\$ -	\$ 12,000.00	\$ 8,000.00	\$ 5,000.00	\$ 5,500.00	\$ 30,500.00

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\*\* Include only payments to be made after the adoption of the EOPS.

**OTHER OBLIGATION PAYMENT SCHEDULE**  
**Per AB 26 - Section 34167 and 34169 (\*)**

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation (1)	Total Due During Fiscal Year (2)	Payments by month					
						Aug**	Sept	Oct	Nov	Dec	Total
1)	Section 33676 Payments	Alameda County	Payments per former CRL 33676	11,120,000	173,000	0	0	0	0	0	0
2)	Section 33676 Payments	City of Alameda	Payments per former CRL 33676	17,563,000	273,000	0	0	0	0	0	0
3)	Section 33676 Payments	Flood Control District	Payments per former CRL 33676	79,000	2,000	0	0	0	0	0	0
4)	Section 33676 Payments	Mosquito Abatement	Payments per former CRL 33676	54,000	1,000	0	0	0	0	0	0
5)	Section 33676 Payments	AC Transit Special District 1	Payments per former CRL 33676	3,279,000	51,000	0	0	0	0	0	0
6)	Section 33676 Payments	BART	Payments per former CRL 33676	385,000	6,000	0	0	0	0	0	0
7)	Section 33676 Payments	East Bay Regional Parks	Payments per former CRL 33676	1,841,000	29,000	0	0	0	0	0	0
8)	Pass Through Agreement	Alameda County	Payments per former CRL 33401	53,905,000	774,000	0	0	0	0	0	0
9)	Pass Through Agreement	AUSD (Capital)	Payments per former CRL 33401	12,548,000	175,000	0	0	0	0	0	0
10)	Pass Through Agreement	AUSD (Housing)	Payments per former CRL 33401	31,369,000	437,000	0	0	0	0	0	0
11)	Pass Through Agreement	County Sup. of Schools	Payments per former CRL 33401	311,000	5,000	0	0	0	0	0	0
12)	Pass Through Agreement	Peralta Com. College	Payments per former CRL 33401	1,858,000	26,000	0	0	0	0	0	0
13)	Pass Through Agreement	East Bay Reg. Park	Payments per former CRL 33401	870,000	13,000	0	0	0	0	0	0
14)	Statutory Payments	County General Fund	Per CRL 33607.5, .7, and 33492.129	71,511,000	140,000	0	0	0	0	0	0
15)	Statutory Payments	Peralta CC District	Per CRL 33607.5, .7, and 33492.129	11,689,000	23,000	0	0	0	0	0	0
16)	Statutory Payments	Alameda USD	Per CRL 33607.5, .7, and 33492.129	81,074,000	154,000	0	0	0	0	0	0
17)	Statutory Payments	County Super. of Schools	Per CRL 33607.5, .7, and 33492.129	1,957,000	6,000	0	0	0	0	0	0
18)	Statutory Payments	County Flood Control	Per CRL 33607.5, .7, and 33492.129	591,000	3,000	0	0	0	0	0	0
19)	Statutory Payments	Bay Area Air Quality Mgmt	Per CRL 33607.5, .7, and 33492.129	965,000	4,000	0	0	0	0	0	0
20)	Statutory Payments	Mosquito District	Per CRL 33607.5, .7, and 33492.129	408,000	3,000	0	0	0	0	0	0
21)	Statutory Payments	AC Transit	Per CRL 33607.5, .7, and 33492.129	24,085,000	40,000	0	0	0	0	0	0
22)	Statutory Payments	Bay Area Rapid Transit	Per CRL 33607.5, .7, and 33492.129	2,830,000	6,000	0	0	0	0	0	0
23)	Statutory Payments	East Bay Regional Parks	Per CRL 33607.5, .7, and 33492.129	11,498,000	23,000	0	0	0	0	0	0
24)	Statutory Payments	East Bay Municipal Utility	Per CRL 33607.5, .7, and 33492.129	10,237,000	20,000	0	0	0	0	0	0
25)	Statutory Payments	City of Alameda	Per CRL 33607.5, .7, and 33492.129	68,239,000	212,000	0	0	0	0	0	0
26)	Statutory Payments	ERAF	Per CRL 33607.5, .7, and 33492.129	109,704,000	170,000	0	0	0	0	0	0
27)	Housing Set Aside	Low & Mod Housing Fund	Payments per CRL 33334.2 et.al.	307,712,000	2,748,000	0	0	0	0	0	0
28)											0
<b>Totals - Other Obligations</b>				<b>837,682,000</b>	<b>5,517,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

\*\* Include only payments to be made after the adoption of the EOPS.

\*\*\* All payment amounts are estimates

(1) Total Outstanding Debt or Obligation amounts were determined based upon projected tax increment revenues each year from FY 2011-12 through the tax increment receipt time limits for the project areas. Actual payments will be based on annual reported assessed values each year and will therefore be different from what is currently forecast (to the extent values increase or decrease in the future). Tax increment revenues are also subject to a \$691 million cap applicable to the WECIP/BWIP Merged Project and a \$780 million tax increment cap applicable to APIP which if not reached before the tax increment receipt time limits for each respective area, will result in Outstanding Debt or Obligation amounts different from what are listed above.

(2) Total Due During Fiscal Year represents estimated payments due for FY 2011-12 only, based on forecasted tax increment revenue. The amount due in future fiscal years will increase or decrease to the extent there are increases or decreases in incremental assessed values reported each year. The Total Outstanding Debt or Obligation amounts shown above were determined from the annual projected tax increment for each fiscal year between FY 2011-12 through FY 2048-49.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda in a Special Community Improvement Commission meeting assembled on the 6<sup>th</sup> day of September, 2011, by the following vote to wit:

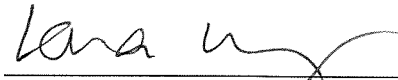
AYES: Commissioners Bonta, deHaan, Johnson, Tam and Chair Gilmore – 5.

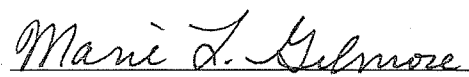
NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 7<sup>th</sup> day of September, 2011.

  
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Lara Weisiger, Secretary  
Community Improvement  
Commission

  
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Marie Gilmore, Chair  
Community Improvement  
Commission